

# **Exhibit “E”**



# ORIGINAL TRANSCRIPT

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AGERE SYSTEMS, INC., CIVIL ACTION  
CYTEC INDUSTRIES,  
INC., FORD MOTOR  
COMPANY, SPS  
TECHNOLOGIES LLC  
and TI GROUP  
AUTOMOTIVE SYSTEMS  
LLC

Plaintiffs

V

ADVANCED ENVIRONMENTAL  
TECHNOLOGY CORPORATION,  
ET AL.

Defendants NO.  
02-CV-3830 (LDD)

Oral deposition of JAMES F.  
ROETZER, Ph.D., taken at the law  
offices of Ballard Spahr Andrews &  
Ingersoll, LLP, 1735 Market Street  
42nd Floor, Philadelphia,  
Pennsylvania, on Tuesday,  
December 19, 2006, at 9:37 a.m.  
before Jennifer Bermudez, a  
Registered Professional Reporter, and  
Notary Public, pursuant to notice.



**James DeCrescenzo Reporting, LLC**

215.564.3905  
PHONE

INNOVATING LITIGATION  
1880 JFK Blvd., 6th Floor • Philadelphia, PA 19103  
[www.jdreporing.com](http://www.jdreporing.com)

215.751.0581  
FAX



ORAL DEPOSITION OF JAMES F. ROETZER, Ph.D., 12/19/06

1 APPEARANCES:

2 BALLARD SPAHR ANDREWS & INGERSOLL,  
3 LLP

4 AMY M. TROJECKI, ESQUIRE  
5 TROJECKIA@BALLARDSPAHR.COM  
6 1735 Market Street, 51st Floor  
Philadelphia, Pennsylvania 19103  
215-665-8500  
Attorney for Plaintiffs

7 WOLFF & SAMSON, P.C.

8 THOMAS W. SABINO, ESQUIRE  
9 tsabino@wolffsamson.com  
10 The Offices at Crystal Lake  
One Boland Drive  
West Orange, New Jersey 07052  
973-530-2044  
Attorney For AETC

11 PHELAN, PETTIT & BIEDRZYCKI

12 JEFFREY L. PETTIT, ESQUIRE  
13 Jpettit@pp-b.com  
14 RICHARD C. BIEDRZYCKI, ESQUIRE  
15 Rbiedrzycki@pp-b.com  
121 S. Broad Street, Suite 1600  
Philadelphia, Pennsylvania 19107  
215-546-0500  
Attorneys for Ashland, Inc.

16 CARELLA, BYRNE, BAIN, GILFILLAN,  
17 CECCHI, STEWART & OLSTEIN

18 MELISSA E. FLAX, ESQUIRE  
19 mflax@carellabyrne.com  
20 5 Becker Farm Road  
Roseland, New Jersey 07068-1739  
973-994-1700  
Attorney for Handy & Harman Tube  
Company



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation  
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103  
www.JDReporting.com

FAX 215.751.0581

ORAL DEPOSITION OF JAMES F. ROETZER, Ph.D., 12/19/06

## 1 APPEARANCES (CONTINUED):

2 HINMAN, HOWARD & KATTELL, LLP  
 3 RALPH K. KESSLER, ESQUIRE  
 4 rkessler@hhk.com  
 5 106 Corporate Park Drive  
 6 Suite 317  
 7 White Plains, New York 10604  
 8 914-694-4102  
 9 Attorney for TI Automotive

10 DUANE MORRIS, LLP  
 11 SETH v.d.H. COOLEY, ESQUIRE  
 12 scooley@duanemorris.com  
 13 30 S. 17th Street  
 14 Philadelphia, Pennsylvania 19103  
 15 215-979-1000  
 16 Attorney for Flexible Circuits

## 11 EXAMINATION INDEX

12 JAMES F. ROETZER, Ph.D.  
 13 DIRECT BY MS. TROJECKI 4  
 14 CROSS BY MS. FLAX 244  
 15 DIRECT BY MS. TROJECKI 251  
 16 CROSS BY MR. SABINO 265

## 15 EXHIBIT INDEX

## 16 MARKED

17 ROETZER  
 18 1 ADVANCED ENVIRONMENTAL 142  
 19 TECHNOLOGY, INC. LETTER  
 20 FROM JOHN LEUZARDIR TO  
 21 ART CURLEY, AUGUST 3  
 22 1976, WITH ATTACHMENT  
 23 2 LEGEND, FIGURE 7 165  
 24 3 E-MAIL FROM JIM ROETZER 260  
 TO LEIGH SHORT, GORDON  
 JAMIESON, SEPTEMBER 14  
 2006, WITH ATTACHED  
 EXPERT REPORT



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation  
 1880 JFK Blvd., 6<sup>th</sup> Floor, Philadelphia, PA 19103  
 www.JDReporting.com

FAX 215.751.0581

ORAL DEPOSITION OF JAMES F. ROETZER, Ph.D., 12/19/06

1 point we were asked to address the  
2 issue of drum wastes and potential  
3 accelerated degradation of drums and  
4 the impact of that on the site.

5 Q. And you were asked to do  
6 that by Ashland's lawyers?

7 A. I believe so.

8 Q. Did any other changes, any  
9 other modifications to what you  
10 thought your scope of work was to be?

11 A. Not that I recall, no.

12 Q. How was the work initially  
13 divided between you, Leigh and  
14 Gordon?

15 A. Well, the division was  
16 primarily based on expertise. The  
17 site geography, geology, hydrogeology  
18 issues were within Gordon's  
19 expertise.

20 The chemistry issues were  
21 within my expertise. And we had the  
22 most experience with issues with  
23 waste drums, drum degradation.

24 Q. So did there come a time



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation  
1880 JFK Blvd., 6<sup>th</sup> Floor, Philadelphia, PA 19103  
www.JDReporting.com

FAX 215.751.0581

ORAL DEPOSITION OF JAMES F. ROETZER, Ph.D., 12/19/06

1 after you reviewed the Vandeven and  
2 Exner report that you met with Leigh  
3 or Gordon to discuss who was going to  
4 be doing what?

5 A. We didn't meet face to  
6 face.

7 Q. Did you have a  
8 conversation?

9 A. We did have conversations,  
10 yes.

11 Q. Telephone conversations?

12 A. That would be telephone,  
13 yes.

14 Q. And what did you discuss  
15 during your phone conversations?

16 A. Well, general -- we  
17 discussed general approaches to the  
18 issues, as well as the work  
19 assignments.

20 Q. Did each of you review all  
21 of the documents that are listed in  
22 your -- that are attached and listed  
23 in your expert report?

24 A. Not that I know of. I



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation  
1880 JFK Blvd., 6<sup>th</sup> Floor, Philadelphia, PA 19103  
www.JDReporting.com

FAX 215.751.0581



ORAL DEPOSITION OF JAMES F. ROETZER, Ph.D., 12/19/06

1 think each person reviewed the  
2 information he needed to do his part  
3 of the report.

4 Q. So what was your part of  
5 the report, when you say each person  
6 reviewed documents for their part?  
7 If you want to refer me to the  
8 specific section.

9 A. By sections?

10 Q. Uh-huh.

11 A. Again, I think we can  
12 identify the primary authors of  
13 different sections, if that's  
14 helpful. That may be the best way to  
15 do it.

16 Q. Okay.

17 A. I think Gordon had the lead  
18 role on the introduction and history.  
19 1.2 the summary really evolved from a  
20 summary of the opinions.

21 Q. Okay.

22 A. Section 2, the basis of  
23 opinions. I would say 1A I probably  
24 was the primary author. 1B also. I



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation  
1880 JFK Blvd., 6<sup>th</sup> Floor, Philadelphia, PA 19103  
www.JDReporting.com

FAX 215.751.0581

ORAL DEPOSITION OF JAMES F. ROETZER, Ph.D., 12/19/06

1 would say 1C I probably authored but  
2 I had some input from -- a little bit  
3 of input from my partners on that.

4 Q. From both partners?

5 A. Yes. I think Gordon with  
6 respect to the site history and such,  
7 and Leigh had some experience with  
8 metal finishing wastes.

9 Q. Okay.

10 A. 1D I would say I was the  
11 primary author. Opinion 2 I would  
12 say 2A I think I was the primary  
13 author of that. 2B, Gordon was the  
14 primary author of that. 3A, Gordon  
15 was the primary author.

16 Q. How about 2C?

17 A. I'm sorry, did I skip one?  
18 2C, I think Leigh was the primary  
19 author there.

20 Q. Okay.

21 A. 3A, Gordon was the primary  
22 author. And 3B, I was the primary  
23 author.

24 Q. Do you believe that you



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation  
1880 JFK Blvd., 6<sup>th</sup> Floor, Philadelphia, PA 19103  
www.JDReporting.com

FAX 215.751.0581

ORAL DEPOSITION OF JAMES F. ROETZER, Ph.D., 12/19/06

1 have expertise related to each of the  
2 expert opinions in this expert report  
3 that we have marked as Exhibit 1?

4 A. I think I -- I have some  
5 expertise in all of those areas, but  
6 certainly nowhere near the expertise  
7 as Gordon with respect to  
8 hydrogeology. And Leigh has more  
9 experience with the areas where he  
10 was the primary author.

11 So certainly I don't  
12 disagree with the opinions expressed  
13 by my partners, but I would defer to  
14 their opinion.

15 Q. Are they your opinion also?  
16 Is everything in this report your  
17 opinion also?

18 A. As I said, there's nothing  
19 I disagree with in the report.

20 Q. But you didn't necessarily  
21 create all the opinions?

22 A. But I didn't necessarily  
23 create all the opinions.

24 Q. I didn't hear you.



**James DeCrescenzo Reporting, LLC**

215.564.3905

Innovating Litigation  
1880 JFK Blvd., 6<sup>th</sup> Floor, Philadelphia, PA 19103  
www.JDReporting.com

FAX 215.751.0581

ORAL DEPOSITION OF JAMES F. ROETZER, Ph.D., 12/19/06

1           A.       Yes. I did not necessarily  
2       create all the opinions.

3           Q.       Okay.

4                   How physically did the  
5       report get put together?

6           A.       I ended up putting the  
7       report together, assembling the  
8       pieces.

9           Q.       So was it that you drafted  
10      a part and Leigh drafted a part and  
11      Gordon drafted a part and you  
12      compiled them into one?

13          A.       That's correct.

14          Q.       And how were those  
15      documents transmitted to you?

16          A.       They were transmitted -- I  
17      think all of them probably came via  
18      e-mail.

19          Q.       And as separate, were they  
20      Word documents?

21          A.       Yes. They probably would  
22      have been a Word document.

23          Q.       Did you print out any of  
24      the separate pieces of the report



**James DeCrescenzo Reporting, LLC**

215.564.3905

Innovating Litigation  
1880 JFK Blvd., 6<sup>th</sup> Floor, Philadelphia, PA 19103  
[www.JDReporting.com](http://www.JDReporting.com)

FAX 215.751.0581

ORAL DEPOSITION OF JAMES F. ROETZER, Ph.D., 12/19/06

1       that may have been e-mailed to you at  
2       any time?

3             A.       I don't believe so.

4             Q.       Did you retain copies of  
5       those different sections of the  
6       report in any way?

7             A.       No.   Those -- I mean, I  
8       merged them into one document that I  
9       worked on and edited.

10            Q.       So did you also save a  
11       separate copy of the pieces that you  
12       were working on as a separate  
13       document?

14            A.       No.   No.   Those pieces got  
15       merged into one document.

16            Q.       But, I mean, was there a  
17       separate document, just with respect  
18       to the pieces that you drafted, I  
19       mean did you have a document that you  
20       merged or did you open that one  
21       document that you were working on and  
22       overwrite the stuff?

23            A.       My best recollection is I  
24       took the pieces, the input from



**James DeCrescenzo Reporting, LLC**

215.564.3905

Innovating Litigation  
1880 JFK Blvd., 6<sup>th</sup> Floor, Philadelphia, PA 19103  
www.JDReporting.com

FAX 215.751.0581

ORAL DEPOSITION OF JAMES F. ROETZER, Ph.D., 12/19/06

1       Gordon and Leigh and merged them into  
2       sort of my master document.

3           Q.       So you only had one Word  
4       document that you were working off of  
5       the whole time; is that correct?

6           A.       Correct.

7           Q.       Did you save a copy of your  
8       drafts of this document?

9           A.       I didn't save any drafts.  
10       I believe that there were the drafts  
11       that were sent to the attorneys I  
12       believe survived, but as far as I  
13       know those are the only drafts that  
14       exist.

15          Q.       So just to be clear, when  
16       you actually physically started  
17       typing your report in this matter you  
18       saved it as a Word document; is that  
19       correct?

20          A.       Correct.

21          Q.       And any changes that you  
22       made to that initial document were  
23       overwrote, the initial document; is  
24       that correct?



**James DeCrescenzo Reporting, LLC**

215.564.3905

Innovating Litigation  
1880 JFK Blvd., 6<sup>th</sup> Floor, Philadelphia, PA 19103  
[www.JDReporting.com](http://www.JDReporting.com)

FAX 215.751.0581

ORAL DEPOSITION OF JAMES F. ROETZER, Ph.D., 12/19/06

1 source area. Do you need a pen?

2 A. Well, there is source area  
3 certainly in these hot spots here  
4 (indicating).

5 Q. Can you write SA for source  
6 area, and if you can draw a circle or  
7 some boundary so we know what you are  
8 referring to.

9 A. I'm not really prepared to  
10 draw a circle around the entire  
11 source area. I think Gordon can  
12 address that question. But certainly  
13 these areas here were involved in  
14 disposal, but I'm not going to try  
15 to put limits on it and recall --

16 Q. When you say "these areas,"  
17 which areas are you referring to?

18 A. Well, the hot spots in the  
19 area down the hill from hot spot 2  
20 and 3.

21 Q. So when you say in your  
22 report only two wells near the source  
23 area, are you telling me now that you  
24 can't tell me what exactly you meant



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation  
1880 JFK Blvd., 6<sup>th</sup> Floor, Philadelphia, PA 19103  
www.JDReporting.com

FAX 215.751.0581

1 by the source area?

2 A. Well, those wells were on  
3 the property near the sources of  
4 disposal and were not the wells  
5 that were down -- the potentially  
6 impacted down gradient wells.

7 Q. Which wells are you  
8 referring to?

9 A. I'm sorry, 20 and 21.

10 Q. So wells 20 and 21 were --  
11 can you repeat what you just said  
12 with respect to those wells?

13 A. Well, those wells are  
14 basically on the property and not the  
15 farther down gradient wells.

16 Q. There are farther --

17 A. Those wells are on the  
18 property near the source areas as  
19 opposed to the down gradient wells  
20 where we don't see the low pHs.

21 Q. And what are some of the  
22 monitoring well locations that are  
23 not near the source area?

24 A. Well, they are not shown on



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation  
1880 JFK Blvd., 6<sup>th</sup> Floor, Philadelphia, PA 19103  
www.JDReporting.com

FAX 215.751.0581



ORAL DEPOSITION OF JAMES F. ROETZER, Ph.D., 12/19/06

1 this figure. Again, I think with  
2 respect to the groundwater data you  
3 will be better off asking your  
4 questions of Gordon.

5 Q. Did you draft this Opinion  
6 1B? I think you indicated that you  
7 were the primary author?

8 A. I did. Yes. With input  
9 from Gordon with respect to the  
10 hydrogeology.

11 Q. And so when you say only  
12 two wells near the source area had  
13 acidic pH values, I guess it's not  
14 clear to me what you are talking  
15 about when you say near the source  
16 areas still.

17 A. What it is saying is there  
18 is no observation of acidic pHs in  
19 the down gradient wells in the plume.

20 If there is no depressed pH  
21 in the down gradient wells, then a  
22 contention that acids were mobilizing  
23 metals in the down gradient areas is  
24 not accurate, it's inconsistent with



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation  
1880 JFK Blvd., 6<sup>th</sup> Floor, Philadelphia, PA 19103  
www.JDReporting.com

FAX 215.751.0581

ORAL DEPOSITION OF JAMES F. ROETZER, Ph.D., 12/19/06

1 the data.

2 Q. So then this sentence means  
3 that there is no acidic pH values in  
4 any place where you believe waste was  
5 disposed of at the site except for  
6 MW20 and MW21; is that correct?

7 A. No. I don't think that's  
8 correct. I think with respect to the  
9 monitoring well data reported at that  
10 time, the first groundwater  
11 monitoring data, those were the only  
12 two locations that showed acidic pHs.

13 Q. So MW20 and MW21 are the  
14 only monitoring wells that show  
15 acidic pHs, correct?

16 A. At the time that that data  
17 set was collected.

18 Q. And what is the  
19 significance of those two wells  
20 having acidic pH values?

21 MR. BIEDRZYCKI: Object to  
22 the form.

23 THE WITNESS: Well, the  
24 significance of those two wells



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation  
1880 JFK Blvd., 6<sup>th</sup> Floor, Philadelphia, PA 19103  
www.JDReporting.com

FAX 215.751.0581

ORAL DEPOSITION OF JAMES F. ROETZER, Ph.D., 12/19/06

1       having acidic pH values I think  
2       demonstrates that if there was any  
3       impact of acids it was a near field  
4       impact, it was near the source area.

5               Maybe to back up a step,  
6       acids I think even in theory could  
7       only impact the mobility of metals  
8       where you actually have acidic  
9       conditions.

10              If the down gradient plume  
11       is not acidic, then any potential  
12       acid mobilizing effect isn't  
13       occurring there.

14       BY MS. TROJECKI:

15              Q.       Is it possible that there  
16       would have been an effect or acids  
17       could have mobilized metals when they  
18       were first exposed but by the time  
19       that these pH values were taken that  
20       effect is no longer demonstrated?

21              A.       That's possible, you know,  
22       for some of the metals.

23              Q.       And then just so the record  
24       is clear, on Exhibit 2, Roetzer



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation  
1880 JFK Blvd., 6<sup>th</sup> Floor, Philadelphia, PA 19103  
www.JDReporting.com

FAX 215.751.0581

1 Exhibit 2, you are not able to  
2 identify the areas of the site that  
3 you believe are the source area; is  
4 that correct?

5 MR. PETTIT: Objection.

6 THE WITNESS: I'm not -- I  
7 can't identify all of the source  
8 areas on that map or the extent of  
9 the source area.

10 BY MS. TROJECKI:

11 Q. And can you identify on  
12 this map what you are talking about  
13 when you say in the areas down  
14 grading of the source area?

15 In other words, in the last  
16 line of your report you speak about  
17 areas down grading of the source  
18 area. Can you identify that area on  
19 Exhibit 2?

20 A. Well, again, I think you  
21 are best off addressing groundwater  
22 questions to Gordon, but in general  
23 it's heading that way. It's a very  
24 rough description. Gordon can



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation  
1880 JFK Blvd., 6<sup>th</sup> Floor, Philadelphia, PA 19103  
www.JDReporting.com

FAX 215.751.0581

ORAL DEPOSITION OF JAMES F. ROETZER, Ph.D., 12/19/06

1 provide that in detail.

2 Q. And are you relying on the  
3 pH data that's discussed in Page 3 of  
4 your report to form the basis of your  
5 opinion that the impact of acids  
6 would be localized and short-lived,  
7 or does this data only support either  
8 one term or the other?

9 A. That, as it says in the  
10 opinion, supports the localized  
11 conclusion, not the short-lived  
12 conclusion.

13 Q. And when you speak about  
14 down gradient in Paragraph 3 of your  
15 report, are you speaking down  
16 gradient hydrogeologically,  
17 topographically or some other way I'm  
18 not aware of?

19 A. Down gradient would  
20 generally mean hydrologically.

21 Q. And that's what you mean  
22 when you are talking in Paragraph 3  
23 of your report, you mean down  
24 gradient hydrogeologically?



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation  
1880 JFK Blvd., 6<sup>th</sup> Floor, Philadelphia, PA 19103  
www.JDReporting.com

FAX 215.751.0581

ORAL DEPOSITION OF JAMES F. ROETZER, Ph.D., 12/19/06

1 A. I'm sorry, where are you?

2 Q. Page 3. The bottom of Page  
3 3, the last line.

4 A. Yes. Down gradient  
5 hydrogeologically.

6 Q. And is the direction of the  
7 gradient that you are referring to on  
8 Page 3 of your report, does that  
9 apply to one aquifer, many aquifers?

10 A. I'm going to defer any  
11 question on the hydrogeology to  
12 Gordon. He can discuss that with  
13 you.

14 Q. Do you know how many  
15 aquifers are indicated at the  
16 Boarhead Farms site?

17 A. No, I don't.

18 Q. Does Opinion 1 -- does your  
19 Opinion 1B mean that any metals in  
20 the groundwater at the Boarhead Farms  
21 site were not there because of spent  
22 acids?

23 A. Not exactly. There are  
24 some metals that could be present in



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation  
1880 JFK Blvd., 6<sup>th</sup> Floor, Philadelphia, PA 19103  
www.JDReporting.com

FAX 215.751.0581

ORAL DEPOSITION OF JAMES F. ROETZER, Ph.D., 12/19/06

1 the natural soils.

2 Q. Does your Opinion 1B mean  
3 that any metals in the groundwater at  
4 the Boarhead Farms site are not there  
5 because of Ashland's spent acid  
6 waste?

7 A. It's our opinion, again  
8 based on the deposition testimony of  
9 Mr. Curley, that Ashland's spent acid  
10 waste did not contain metals.

11 Q. But this Opinion 1B does  
12 not mean that metals that could have  
13 been in waste that was generated by  
14 other parties other than Ashland were  
15 in the groundwater because of  
16 Ashland's spent acid waste, does it?

17 MR. BIEDRZYCKI: Object to  
18 the form.

19 Go ahead.

20 THE WITNESS: Yes. Maybe  
21 to clarify, it is possible for acids  
22 to increase the mobility of some  
23 metals, not all, but some.

24 So it is possible that an



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation  
1880 JFK Blvd., 6<sup>th</sup> Floor, Philadelphia, PA 19103  
www.JDReporting.com

FAX 215.751.0581

ORAL DEPOSITION OF JAMES F. ROETZER, Ph.D., 12/19/06

1 acid waste could have, you know -- in  
2 at least the local area, have  
3 effected dissolution of metals that  
4 were there from other sources.

5 BY MS. TROJECKI:

6 Q. Turning to Page 4 of your  
7 report and Opinion 1C, what do you  
8 mean by the term other metal  
9 treatment wastes in Opinion 1C?

10 A. And this is one of the  
11 areas that I think Leigh probably had  
12 some input too.

13 But in addition to pickling  
14 acids there are certainly other metal  
15 cleaning wastes, there are metal  
16 plating wastes, there are any number  
17 of other waste streams that could  
18 contain heavy metals.

19 Q. When you refer to other  
20 metal treatment wastes, are these  
21 wastes that only contain -- that  
22 contain metals and acids or it's just  
23 generally any waste that has metals  
24 in it?



James DeCrescenzo Reporting, LLC

215.564.3905

InnovatingLitigation  
1880 JFK Blvd., 6<sup>th</sup> Floor, Philadelphia, PA 19103  
www.JDReporting.com

FAX 215.751.0581



ORAL DEPOSITION OF JAMES F. ROETZER, Ph.D., 12/19/06

1 one to Mr. Jamieson to address.

2 Q. I have understood what you  
3 said that there are only certain  
4 types of metals that have an  
5 increased mobility in an acidic  
6 state; is that correct?

7 A. That's correct.

8 Q. Is there a class of metals,  
9 and when I say class, is there some  
10 point on the periodic chart that you  
11 would stop at and say from this point  
12 to the left are metals that you have  
13 a comfort level of saying as a  
14 scientist that in an acidic state the  
15 mobility will increase or is that  
16 just not a feasible way to be able to  
17 do that?

18 A. I would say it's not that  
19 simple. Other than, as I think I  
20 pointed out in my report, group one  
21 and group two metals on the periodic  
22 table, it's pretty clear. After that  
23 it's pretty much metal by metal to  
24 see how they behave.



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation  
1880 JFK Blvd., 6<sup>th</sup> Floor, Philadelphia, PA 19103  
www.JDReporting.com

FAX 215.751.0581

ORAL DEPOSITION OF JAMES F. ROETZER, Ph.D., 12/19/06

1 Q. And when you say metal by  
2 metal, does that -- would the  
3 mobility or lack of mobility depend  
4 on not only the metal itself but  
5 other circumstances, environmental  
6 circumstances?

7 A. Yes. The other -- the  
8 various factors that were discussed  
9 earlier.

10 Q. That are contained in your  
11 report?

12 A. Yes.

13 MS. FLAX: That's all I  
14 have.

15 Thank you very much.

16 MS. TROJECKI: Can we take  
17 a brief five-minute break before we  
18 get back?

19 (Recess taken)

20 DIRECT EXAMINATION (CONTINUED)

21 BY MS. TROJECKI:

22 Q. I'm going to refer you to  
23 Page 8 of your report, Opinion 2C.  
24 Do you agree that it's possible that



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation  
1880 JFK Blvd., 6<sup>th</sup> Floor, Philadelphia, PA 19103  
www.JDReporting.com

FAX 215.751.0581

ORAL DEPOSITION OF JAMES F. ROETZER, Ph.D., 12/19/06

1 acids could have the effect of  
2 increasing the degradation of a metal  
3 drum?

4 A. That's possible, yes.

5 Q. And do you believe that  
6 that could have happened at the  
7 Boarhead Farms Superfund site?

8 A. It's possible, yes.

9 Q. Specifically referring to  
10 the third line down in Opinion 2C  
11 there's a reference to poor waste  
12 management practices and that that  
13 may have caused drums to be damaged  
14 during handling and disposal. Do you  
15 see that reference?

16 A. Yes.

17 Q. What is the basis for that  
18 statement?

19 A. I would probably defer to  
20 Dr. Short for what's in this opinion,  
21 however I think I can add that the  
22 waste management practices at the  
23 site were not good.

24 And I think based on



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation  
1880 JFK Blvd., 6<sup>th</sup> Floor, Philadelphia, PA 19103  
www.JDReporting.com

FAX 215.751.0581

ORAL DEPOSITION OF JAMES F. ROETZER, Ph.D., 12/19/06

1       general experience, as it says,  
2       typical of other sites, drums were  
3       not necessarily handled with care at  
4       this type of site.

5               So I think that's -- again,  
6       you may have to ask Leigh that  
7       question, but this is primarily his  
8       opinion.

9               Q.       I am sorry, can you just --

10              A.       I just said it was  
11       primarily his opinion.

12              Q.       And the statement that the  
13       presence of water often leads to drum  
14       corrosion in time periods of 15 years  
15       and perhaps less, what's the basis  
16       for the number of 15 years?

17              A.       Again, that's based on  
18       Leigh's experience at some drum  
19       disposal sites that he's worked on.

20              Q.       Are you aware of any other  
21       basis other than what you have just  
22       stated?

23              A.       I would say -- I mean, I  
24       have heard that type of number thrown



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation  
1880 JFK Blvd., 6<sup>th</sup> Floor, Philadelphia, PA 19103  
[www.JDReporting.com](http://www.JDReporting.com)

FAX 215.751.0581

ORAL DEPOSITION OF JAMES F. ROETZER, Ph.D., 12/19/06

1 around. I have not independently  
2 studied or verified drum degradation.

3 Q. And why is it that even if  
4 accelerated degradation of drums did  
5 occur as a result of contact with  
6 acid waste that the extent of the  
7 groundwater contamination would not  
8 have been affected?

9 A. I think that question is  
10 best addressed to Dr. Short and Mr.  
11 Jamieson.

12 Q. So when you say it's best  
13 addressed, does that mean that you  
14 are not able to answer it?

15 A. No. It means I don't  
16 disagree with it, but they were the  
17 primary authors of that opinion.

18 Q. I'm referring to Opinion 3  
19 of the report on Page 8. Is it your  
20 opinion that the soil remediation  
21 response action in OU2 only addresses  
22 organic releases?

23 (Discussion off the  
24 record.)



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation  
1880 JFK Blvd., 6<sup>th</sup> Floor, Philadelphia, PA 19103  
www.JDReporting.com

FAX 215.751.0581

ORAL DEPOSITION OF JAMES F. ROETZER, Ph.D., 12/19/06

1 (The court reporter read  
2 back the following:

3 "Q. I'm referring to  
4 Opinion 3 of the report on Page 8.  
5 Is it your opinion that the soil  
6 remediation response action in OU2  
7 only addresses organic releases?")

8 THE WITNESS: That's  
9 correct.

10 BY MS. TROJECKI:

11 Q. And what are your bases for  
12 that opinion?

13 A. That is -- and, again, to  
14 Opinion 3A in particular was drafted  
15 by Mr. Jamieson, but I can -- and I  
16 was more responsible for 3B.

17 But certainly based on the  
18 ROD and the feasibility study, those  
19 two soil hot spot removals were  
20 addressing VOC hot spots of TCE.

21 And at the time at least of  
22 the ROD benzene, as I said earlier in  
23 our subsequent discussions at the  
24 site with Mr. Coslett we found out



James DeCrescenzo Reporting, LLC

215.564.3905

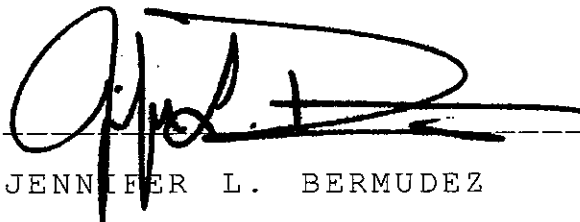
Innovating Litigation  
1880 JFK Blvd., 6<sup>th</sup> Floor, Philadelphia, PA 19103  
www.JDReporting.com

FAX 215.751.0581

CERTIFICATION

I, JENNIFER L. BERMUDEZ, a Court Reporter in and for the Commonwealth of Pennsylvania, hereby certify that the foregoing is a true and accurate transcript of the deposition of said witness who was first duly sworn by me on the date and place hereinbefore set forth.

I FURTHER CERTIFY that I am neither attorney nor counsel for, nor related to or employed by, any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed in this action, nor am I financially interested in this case.



JENNIFER L. BERMUDEZ

Court Reporter and Notary Public

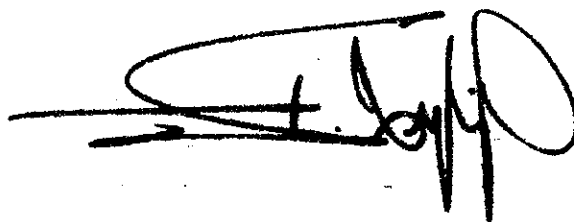


James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation  
1880 JFK Blvd., 6<sup>th</sup> Floor, Philadelphia, PA 19103  
www.JDReporting.com

FAX 215.751.0581

A handwritten signature in black ink, featuring a large, stylized capital 'S' followed by a series of loops and a final vertical stroke.